REMARKS/ARGUMENTS

Claims 1-30, 32-44 are now pending in this application. Claims 1, 7, 13 and 18 are independent claims. Claims 13, 32-34 and 36 have been amended.

Claim Rejections – 35 USC § 103(a)

Claims 1-5, 7-11, 13-18, 20-23, 25-28, 30-35, 37-39, 41-42 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beadle et al., USPN: 6,530,075 (hereinafter Beadle_1), and further in view of Beadle et al., USPN: 6,295,641 (art of record-hereinafter Beadle_2). Claims 24, 29, 36 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beadle_1, USPN: 6,530,075 and Beadle_2, USPN: 6,295,641 as applied to Claims 1, 7, 31 and 18; and further in view of Crelier, USPN: 6,151,703 (hereinafter Crelier). Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Beadle_1, USPN: 6,530,075 and Beadle_2, USPN: 6,295,641 as applied to Claim 1, and further in view of Wu et al., USPN: 5,987,256 (art of record-hereinafter Wu). Claims 6, 12, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beadle_1, USPN: 6,530,075 and Beadle_2, USPN: 6,295,641, as applied to claims 1, 7, 31 and 18, and further in view of Beadle et al., USPN: 6,305,012 (hereinafter Beadle_3). Applicant respectfully traverses these rejections.

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. *See MPEP § 2141 and Hodosh v. Block Drug Co., Inc.,* 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986).

In rejecting independent Claims 1, 7 and 18, the Patent Office recognized that Beadle_1 does not "explicitly specify that the byte code includes one dynamic base object, such object comprising an interface dynamic object and an implementation dynamic object communicating with each other over a message bus." (Office Action,

Pages 3, 6 and 8). The Patent Office has alleged that in view of Beadle_1, this element of Claims 1, 7 and 18 would be obvious to one of ordinary skill in the art. An advantageous aspect of the present invention is system-independent execution of applications. The dynamic base object is included in the architecture of the present invention. (Present Application, Page 9, Lines 6-7). Each dynamic base object implements a defined behavior. (Present Application, Page 9, Line 7). The architecture of the present invention provides a dynamic base object hierarchy. (Present Application, Page 9, Lines 11-12; FIG. 3). This hierarchy allows for features and capabilities not found in prior art object-oriented programming. (Present Application, Page 9, Lines 15-16). The architecture and execution model of the present invention provides system-independent execution of applications. (Present Application, Page 15, Lines 18-19; FIG. 11). It is therefore contended that the dynamic base object functions within the architecture of the present invention to allow for the advantages previously mentioned. The Patent Office has stated that Beadle_1 discloses a communication system having a bus interconnecting appliances and that the dynamic base object is an obvious variation of an element present in that invention. However, it is contended that the dynamic base object of the present invention is not the same as, nor is it an obvious variation of any element disclosed or suggested by the prior art of record. The dynamic base object of the present invention functions within the architecture to provide advantages and provide for system-independent execution of applications, which is not disclosed or suggested by Beadle_1. Also, the invention of Beadle_1 does not teach the use of the above-specified element, nor does it contain any suggestion to make such a modification.

> "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. .... It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443 (Fed. Cir. 1992) *quoting In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

The Patent Office has proceeded to *impermissibly* use the present patent application as a basis for the motivation to combine or modify the prior art to arrive at the claimed invention and has failed to make a *prima facie* case of obviousness against Claims 1, 7 and 18. Claim 13 is believed allowable for similar reasoning as provided for Claims 1, 7 and 18. Thus, independent Claims 1, 7, 13 and 18 should be allowed over the prior art of record. Dependent Claims 2-6, 21-25 and 42-44, (which depend from independent Claim 1), Dependent Claims 8-12 and 26-30 (which depend from independent Claim 7), Dependent Claims 14-17 and 32-36 (which depend from independent Claim 13) and Dependent Claims 19-20 and 37-41 (which depend from independent Claim 18) should also be allowed.

CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of

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